

C. Remarks

The claims are 21-35, with claims 21 and 25 being independent. Claims 21-23, 25, 26, and 28 have been amended to improve their form and to resolve the informalities noted by the Examiner. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 23 and 25-35 stand variously rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner alleged that the language of various claims is confusing. Also, the Examiner alleged that claims 25, 26, and 28 omit essential reaction steps.

In response, the claims have been amended for clarification to address the issues raised by the Examiner. Therefore, withdrawal of the indefiniteness rejections is respectfully requested.

Claims 21 and 24 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 15 of U.S. Patent No. 6,911,520 B2, claim 8 of U.S. Patent No. 6,908,721 B2, claim 2 of U.S. Patent No. 6,645,743 B2, and claim 2 of U.S. Patent No. 6,649,380 B2.

Applicants believe that the filing of a terminal disclaimer at this juncture is premature. Applicants, for example, would need to pay a fee for the recordation of each terminal disclaimer, which is non-refundable, should the withdrawal of the disclaimer need to be requested due to additional future amendments or should this application be abandoned in favor of a continuation. In that regard, Applicants will also have additional expenses associated with, for example, re-recording the terminal disclaimers in the continuation or requesting withdrawal of the terminal disclaimers.

Nonetheless, should the Examiner believe that the double patenting rejections are the only issues outstanding in the present case, the Examiner is requested to contact the undersigned to discuss these rejections prior to issuing another action on the merits.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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